IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
A. O. NO. 675 OF 2006

Sou. Rakhamabai Bhiku Tathe ... Appellant
VS.
Smt. Anjanabai J. Sinnarkar and ors. ... Respondents

Mr. J.S. Deo for appellant.

CORAM: D. G. KARNIK **J.**
DATE: 7th November 2006

P.C.:

1. Heard counsel for the appellant.
2. This appeal arises out of an application for injunction made by the appellant in a suit filed for a declaration that the decree passed in suit no. 159 of 2001 was not binding on her. Suit No. 159 of 2001 was filed by Anjanabai wd./o. Jaiwant Sinnarkar for partition. Her mother Sinnarkar was the sister of Jaiwant and the suit was filed by Anjanabai without disclosing that Sinnarkar was her sister and without joining her a party. The appellant therefore claimed that the decree was not binding on her. The trial court has held that the appellant has not proved that the appellant was the sister of Jaiwant. There was nothing on record of the trial court to show that Sinnarkar was the sister of Jaiwant. In the circumstances it cannot be held that the order of the trial court in refusing the injunction is in any way erroneous. For these reasons the appeal is dismissed.

(D.G. KARNIK J.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil application No. 907 of 2006

in

A. O. NO. 675 OF 2006

Sou. Rakhamabai Bhiku Tathe ... Appellant
VS.
Smt. Anjanabai J. Sinnarkar and ors. ... Respondents

Mr. J.S. Deo for appellant.

CORAM: D. G. KARNIK **J.**
DATE: 7th November 2006

P.C.:

In view of the dismissal of the appeal this Civil application does not survive and is disposed of.

(D.G. KARNIK J.)